IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5124 OF 2005
IN
FIRST APPEAL NO.899 OF 1999

Safinaz Abbas Bharmal & Ors. .. Applicants.
V/s
Khalil Ahmed Gulam Nabi Bhure & Ors. .. Respondents

Ms.M.B.Gawade i/by Mr.Mooman for the Applicants.
Ms.Gauri Godse for Res.Nos.1 to 4.
Ms.Sharvari Jahagirdar i/by Mr.P.S.Dani for the Respondent Nos.6 to 10.

CORAM: DR.S.RADHAKRISHNAN &
SMT.V.K.TAHILRAMANI, JJ.

DATE : 2.12.2005.

P.C.:

1. Rule. Rule is made returnable forthwith. Heard the learned Advocate for the Applicants, the learned Advocate for Respondent Nos.1 to 4 and the learned Advocate for Respondent Nos.6 to 10.

2. By this Civil Application, the Applicants are seeking to recall the order dated 25.11.2005 whereby the First Appeal was dismissed in default. Perused the Civil Application. For the reasons stated therein sufficient cause is made out for setting aside the order of dismissal of the First Appeal. There is no case of inaction, negligence or want of bonafide on the part of the Applicants. Hence, Civil Application is made absolute in terms of prayer clause (a).

(DR.S.RADHAKRISHNAN, J.)

(SMT.V.K.TAHILRAMANI, J.)